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Attorneys for the Defendants

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

W. CLARK APOSHIAN,

Plaintiff,

vs.

WILLIAM P. BARR, Attorney General of
the United States,¹ et al.,

Defendants.

Case No. 2:19-cv-00037-JNP

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

District Judge Jill N. Parrish

Pursuant to DUCivR 7-1(b)(4), Defendants hereby provide notice of the February 26, 2019 opinion of the United States District Court for the District of Columbia denying motions

¹ By operation of Fed. R. Civ. P. 25(d), Attorney General Barr has automatically been substituted for former Acting Attorney General Matthew G. Whitaker as a Defendant in this action.

for preliminary injunction in three pending cases: *Guedes v. ATF*, No. 18-cv-2988, *Firearms Policy Coalition v. Barr*, No. 18-cv-3083 (consolidated with *Guedes*), and *Codrea v. Barr*, 18-cv-3086. That opinion, docketed as ECF No. 27 on the *Guedes* docket, pertains to the issues discussed in this action at, *inter alia*, pages 10-17 and 21-23 of Defendants' Memorandum in Opposition to Motion for Preliminary Injunction, ECF No. 25 (Feb. 6, 2019). Defendants believe that the Court in *Guedes* reached the correct outcome. However, consistent with the position set forth in their briefing, Defendants note that any decision by this Court should take into account the principle that "in contexts[] such as the interpretation of criminal statutes . . . agencies are not ordinarily entitled to deference." ECF No. 25 at 21 (citing *U.S. v. Apel*, 571 U.S. 359, 369 (2014)).

DATED this 26th day of February 2019.

Respectfully submitted,

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/s/ Eric J. Soskin

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